

## **REMARKS**

In response to the above Office Action the specification has been amended to correct a typographical error and to delete reference to "claims."

In addition, claim 1 has been amended to more clearly define applicants' invention. Support for the amendment can be found, for example, on page 8, lines 27-32. Claims 4-9 have also been amended to reflect the amendment of claim 1 and for clarity.

Applicants' invention, as now set forth in amended claim 1, relates to an information recording apparatus, comprising:

- a vacuum chamber;

- an energy beam generator partially enclosed in the vacuum chamber for emitting an energy beam for recording information on a recording medium;

- a spindle disposed in the vacuum chamber for rotating the recording medium, said spindle being driven to rotate by a spindle motor;

- a holder disposed in the vacuum chamber and including a stationary holder part and a movable holder part guided for linear movement with respect to the stationary holder part, said movable holder part carrying the spindle motor and the spindle;

- a feed motor unit connected to the movable holder part for linearly moving the spindle in a vacuum atmosphere within the vacuum chamber; and

- a common base member;

wherein the stationary holder part of the holder, the vacuum chamber, and the energy beam generator are fixed to the common base member.

The present invention provides an information recording apparatus having a design which makes it less sensitive to temperature changes and mechanical vibrations

compared to prior art designs, thereby making it capable of producing recordings of higher accuracy.

This effect is obtained by the design of amended claim 1, which defines that the apparatus includes a stationary holder part of a holder, a vacuum chamber, and an energy beam generator, all of which are fixed to a common base member.

In the Office Action, the Examiner rejected claims 1-3 under 35 U.S.C. §102(b) for being anticipated by Kojima et al. (U.S. Patent 5,446,722) and Kojima (U.S. Patent 5,686,941). Claim 8 was rejected under 35 U.S.C. §103 for being obvious over Kojima et al. in view Kojima. The indicated allowance of the subject matter of claims 4-7 and 9-12 is appreciated. However, it is believed claims 1-3 as amended are not anticipated by nor is claim 8 obvious over the cited references and are therefore also allowable.

In the rejection of the claims, the Examiner noted with respect to Kojima et al. that the stationary holder part 12 of the holder (consisting of movable holder part 13 and stationary holder part 12), the vacuum chamber (consisting of the two side surfaces and the bottom surface of element 11) and the energy beam generator 1 are fixed “with respect to each other” to the common base member (top surface of element 11). They may be fixed relative to each other, but all three elements are not fixed to the common base member as claimed. Specifically, the stationary holder part 12 of the holder of Kojima et al. is not fixed to member 11, as stationary holder part 9a of the device of the present invention is fixed to common base member 6 along with vacuum chamber 1 and energy beam generator 2.

As noted on page 4, line 28, to page 5, line 8, mounting the three elements to the common base member provides a common reference point during assembly of the apparatus, will prevent any dimensional changes during operation in the vertical walls of the vacuum chamber from affecting the accuracy of the apparatus and will reduce the stacking-up of tolerances. Thus specific advantages result from applicants' claimed apparatus.

Kojima is similar to Kojima et al. as here too the stationary holder part supporting movable holder part 12 is not fixed to the top surface of vacuum chamber 10.

Regarding claims 2 and 3, these are dependent from claim 1 and include all of its limitations, so it is believed these claims are not anticipated for the same reasons claim 1 is not anticipated by Kojima et al. or Kojima.

Withdrawal of Kojima et al. and Kojima as grounds of rejection under §102(b) of claims 1-3 is therefore requested.

Regarding claim 8, since it depends from claim 1, it is submitted that the combination of references fails to disclose all of the features of the claim, as discussed above. Therefore, it cannot be considered obvious in view of the requirement of M.P.E.P. §2143 that the references relied on must show or suggest in combination all of the claimed features to establish a prima facie case of obviousness. Moreover, the item 31 referred to by the Examiner in Kojima is a magnetic fluid surrounding the spindle, not "a surface portion of magnetic material" on the non-magnetic spindle as set forth in claim 8.

Withdrawal of the rejection of claim 8 under §103 is therefore also requested.

It is believed claims 1-12 are now in condition for allowance.


In view of the foregoing amendments and remarks, Applicants respectfully request reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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Dated: July 29, 2004

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